

GLOUCESTERSHIRE
SAFEGUARDING
CHILDREN PARTNERSHIP
EFFECTIVE
INFORMATION SHARING
AND CONSENT

Effective information-sharing underpins integrated working and is a vital element of both early intervention and safeguarding

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Gloucestershire Safeguarding Children Partnership



Effective Information Sharing and Consent

Information Sharing is a Golden thread identified in audits, case reviews and national reports such as the Wood Review 2021.

- Effective information-sharing underpins integrated working and is a vital element of both early intervention and safeguarding.
- Research and experience have shown repeatedly that keeping children safe from harm requires practitioners and others to share information about:
 - A child's health and development and any exposure to possible harm;
 - A parent who may need help, or may not be able to care for a child adequately and safely; and
 - Those who may pose a risk of harm to a child.
- Often, it is only when information from a number of sources has been shared and is then put together, that it becomes clear that a child has suffered, or is likely to suffer, significant harm.
- Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children.
- This includes when problems first emerge, or where a child is already known to local authority children's social care (e.g. they are being supported as a child in need or have a child protection plan).

Source: [South West Child Protection Procedures](#)

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Introduction

Practitioners must have due regard to the relevant General Data Protection Regulation (GDPR) and data protection principles, which allow them to share personal information.

Where possible, share information with consent, and respect the wishes of those who do not consent to having their information shared. However, You may share information without consent (under GDPR/Data Protection Act 2018 (DPA)) if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk.

You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.

Remember: GDPR/DPA (2018) does not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe, it does in fact give you a framework to support the sharing of information. (As Set out in the Governments [Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers](#))

To effectively share information practitioners need to consider the following:

1. Be confident of the processing conditions, which allow them to store/share information needed to carry out their safeguarding role. The relevant information will often be data considered to be 'special category personal data' meaning it is sensitive and personal.
2. If sharing special category personal data, be aware that the DPA (2018) includes 'safeguarding of children and individuals at risk' as a condition that allows sharing of information without consent.
3. Information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
4. Relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from either neglect/physical/emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.
5. Safeguarding processes are designed to be a platform in which partners can share information to keep children safe. The absence of a key partner may result in the absence of key information.
6. [Working Together to Safeguard Children 2018](#) is clear that personal information collected by one organisation/agency can be disclosed to another, unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners

Be aware:

*Parents must consent to accept support at Early Help. You should discuss your concerns with the child/young person's parents/carers and seek their consent to make a referral, **unless** you have reasonable cause to believe that to do so would place the child at risk of significant harm.*

Seven Golden Rules for Information Sharing

1	Remember	That the General Data Protection Regulations, Data Protection Act 2018 and human rights laws are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
2	Be open and honest with the individual (and/or their family where appropriate)	From the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3	Seek advice	From other practitioners or your information governance lead if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4	Where possible share with consent	Where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful reason to do so, such as where safety may be at risk. You will need to base your judgment on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5	Consider safety and well-being	Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6	Necessary, proportionate, relevant, accurate, timely and secure	Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (Practitioners must always follow their organisation's policy on security for handling personal information).
7	Keep a record of your decision and the reasons for it	Whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

[Information sharing: advice for practitioners providing safeguarding services](#) includes a Myth-busting guide (pages 13-14). In relation to consent it states: *“Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share it must be explicit and freely given. There may be some circumstances where it is not appropriate to seek consent, either because the individual cannot give consent, it is not reasonable to obtain consent, or because to gain consent would put a child or young person's safety or well-being at risk. Where a decision to share information without consent is made, a record of what has been shared should be kept.”*

Other useful resources

1. NSPCC: [Recognising and responding to abuse -Information Sharing](#)
2. NSPCC: [Learning from case reviews –thematic briefings](#)
3. SCIE/NSPCC -Inter-professional communication and decision-making: [Practice issues from Serious Case Reviews –learning into practice](#)
4. [Multi-agency reform: Key behavioural drivers and barriers](#) Information sharing across agencies remained a key area for partnerships to focus on to ensure safeguarding could operate effectively. Clear guidelines were not commonly in place leaving staff nervous to share information.
5. [Working Together to Safeguard Children 2018](#) personal information collected by one organisation/agency can be disclosed to another, unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected
6. [Allan Wood Review May 2021](#) How can we help hard pressed, stressed professionals to feel empowered to ask for and share information and to inculcate an attitude of sharing and openness in those who control the data and information? We need to promote the behaviour and general notion of the need to protect a child will nearly always trump the withholding of information. Sharing is a positive characteristic of effective cross agency cooperation.
7. [The 2018/19 annual report of the national Child Safeguarding Practice Review Panel](#) (published 4 March 2020)¹⁷ identified a need, *“to move beyond the legislative and procedural, to the technological and the behavioural, and forensically explore how we can develop our multi-agency and multi-disciplinary practice in routine ways, and at critical points, which strengthens information sharing, risk- assessment and decision making.”*
8. [Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers.](#) information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk. And relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional, or mental harm, or if it is protecting their physical, mental, or emotional well-being.
9. Gloucestershire Safeguarding Partnership [website](#)